

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO.1:08cr85WJG-RHW-1

WILLIAM C. BRELAND, JR.

ORDER

THIS CAUSE is before the Court on the motion [38] of the United States of America [United States] for a preliminary order of forfeiture regarding certain property of Defendant William C. Breland pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure. (Ct. R., Docs. 38.) The Court, having reviewed the United States' motion, Defendant's response thereto, (Ct. R., Doc. 40), and the record in this matter, finds the United States' motion well-taken and that the motion should be granted.

On October 23, 2008, Defendant William C. Breland, Jr., was found guilty by a jury of Counts 1, 2, 3, 5, and 7 through 9 of the Indictment filed in the above styled cause. As a result of the jury conviction on Counts 5, and 7 through 9 of the Indictment, for which the United States sought forfeiture pursuant to Section 981(a)(1)(C), Title 18, United States Code, and Section 2461(c), Title 28, United States Code, the Court finds that Defendant should forfeit to the United States all property constituting or derived from proceeds he obtained directly or indirectly as the result of such violation. Based upon the evidence presented during the trial and the allegations included in the United State's motion, the Court finds that the following described property is

subject to forfeiture pursuant to Section 981(a)(1)(C), Title 18, United States Code, Section 2461(c), Title 28, United States Code, and Rule 32.2 of the Federal Rules of Criminal Procedure; that Defendant has an interest in such property; and that the United States has established the requisite nexus between the described property and the offense. Therefore the Court finds that the property described below should be forfeited to the United States. It is hereby,

ORDERED AND ADJUDGED that the United States's motion [38] for a preliminary order of forfeiture of certain property of the Defendant William C. Breland Jr., be, and is hereby, granted. It is further,

ORDERED AND ADJUDGED that the following described property be, and is hereby forfeited to the United States:

Money Judgment: A sum of money equal to \$16,019.66 in United States currency, representing the amount of proceeds obtained as a result of the said offenses, for which Defendant is jointly and severally liable.

It is further,

ORDERED AND ADJUDGED that the United States shall publish notice of this order and its intent to dispose of the property in such a manner as the United States Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject property. No such notice is required to the extent that this Order consists solely of a money judgment against Defendant, pursuant to Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure. It is further,

ORDERED AND ADJUDGED that pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure this preliminary order of forfeiture shall become final regarding Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

A separate Final Order of Forfeiture shall be submitted to the Court at the appropriate time, and it shall be enrolled in all appropriate judgment rolls. It is further,

ORDERED AND ADJUDGED that the Court shall retain jurisdiction to enforce this Order and to amend it as necessary pursuant to Federal Rule of Criminal Procedure 32.2.

SO ORDER AND ADJUDGED this 5th day of January, 2009.

Walter J. Fox III

UNITED STATES SENIOR DISTRICT JUDGE